

CALIFORNIA APPRENTICESHIP COUNCIL
NOTICE OF 15-DAY COMMENT PERIOD FOR PROPOSED CHANGES TO
PROPOSED ACTION TO AMEND
CALIFORNIA CODE OF REGULATIONS, TITLE 8, CHAPTER 2, PART IV,
SECTION 230.1.

Prepared by:

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**TITLE 8. CALIFORNIA APPRENTICESHIP COUNCIL
NOTICE OF 15-DAY COMMENT PERIOD**

AVAILABILITY OF CHANGED OR MODIFIED TEXT: The California Apprenticeship Council is proposing modifications to the originally proposed text to amend Section 230.1 of Art. 10, Part I, Chapter 2 of Title 8 of the California Code of Regulations (“CCR”) concerning employment of apprentices on public works, as set forth below. The modifications appear in Strike-Out and Underline in section 230.1(d), where the year “2008” is changed to “2009”, and where the phrase “as of February 16, 2002” is inserted in place of “prior to January 1, 2008.”

The California Apprenticeship Council is making these modifications available to the public for an additional 15-day public comment period following the original public comment period in this rulemaking. The Council will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office located at the below address. Rulemaking records may be accessed through the agency’s Internet website at www.dir.ca.gov.

PUBLIC HEARING: The Council is holding public hearings on the proposed rulemaking as originally scheduled on August 7, 2008 at the Junipero–Serra State Building, Carmel Room, 1st Floor, 320 W. Fourth Street, Los Angeles, CA 90013, from 10:00 a.m. to 2:00 p.m., and on August 14, 2008 at the Hiram Johnson State Building, Milton Marks Conference Center, San Diego Rooms A/B/C, 455 Golden Gate Avenue, San Francisco, CA 94102, from 10:00 a.m. to 2:00 p.m. At the hearings, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest (below). The Council requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD: Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action by mail or personal delivery to Glen Forman, Division of Apprenticeship Standards, 455 Golden Gate Avenue, 10th Floor, San Francisco, California 94102. Written comments may also be sent to Glen Forman (1) via electronic mail to DASComments@dir.ca.gov or (2) via fax to (415) 703-5227. To be considered, written comments must be received by the Council no later than 5:00 p.m. on **Friday August 29, 2008**. The deadline has been extended from August 14, 2008 to accommodate an additional 15-day public comment period to follow the proposed modifications to the originally proposed regulation text.

CONTACT PERSON: Nonsubstantive inquiries concerning this action, such as requests for copies of the text of the proposed regulations, and the location of public records, may be directed to Brian Crawford at (415) 703-1467. The backup contact person is Glen Forman at (415) 703-4939. Inquiries regarding the substance of the proposed regulations may be directed to Glen Forman at (415) 703-4939.

**TEXT OF PROPOSED RULEMAKING
AS MODIFIED AT JULY 2008 CAC MEETING.**

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**Title 8. INDUSTRIAL RELATIONS
Division 1. DEPARTMENT OF INDUSTRIAL RELATIONS
Chapter 2. CALIFORNIA APPRENTICESHIP COUNCIL
Subchapter 1. APPRENTICESHIP
Article 10. REQUIRED APPRENTICES ON PUBLIC WORKS CONTRACT**

§230.1. Employment of Apprentices on Public Works.

(a) Contractors, as defined in Section 228 to include general, prime, specialty or subcontractor, shall employ registered apprentice(s), as defined by Labor Code Section 3077, during the performance of a public work project in accordance with

the required one hour of work performed by an apprentice for every five hours of

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labor performed by a journeyman, unless covered by one of the exemptions enumerated in Labor Code Section 1777.5 or this subchapter. Unless an exemption has been granted, the contractor shall employ apprentices for the number of hours computed above before the end of the contract. Contractors

who are not already employing sufficient registered apprentices (as defined by Labor Code Section 3077) to comply with the one to five job site ratio required by Labor Code Section 1777.5, must request the dispatch of required apprentices

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from one of the Apprenticeship Committees providing training in the applicable craft or trade and whose geographic area of operation includes the site of the

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public work by giving the committee actual notice of at least 72 hours (excluding

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Saturdays, Sundays and holidays) before the date on which one or more

apprentices are required. If the Apprenticeship Committee from which apprentice dispatch(es) are requested does not dispatch apprentices as requested, the contractor must request apprentice dispatch(es) from another committee

providing training in the applicable craft or trade in the geographic area of the site of the public work, and must request apprentice dispatch(es) from each such committee, in turn, until the contractor has requested apprentice dispatches from each such committee in the geographic area. If a non-signatory contractor

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declines to abide by and comply with the terms of a local committee's standards, the Apprenticeship Committee shall not be required to dispatch apprentices to

such contractor. Conversely, if in response to written request no Apprenticeship

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Committee dispatches, or agrees to dispatch in the future any apprentice to a

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contractor who has agreed to employ and train apprentices in accordance with

either the Apprenticeship Committee's Standards or these regulations within 72

hours of such request (excluding Saturdays, Sundays and holidays) the

contractor shall not be considered in violation of this section as a result of failure

to employ apprentices for the remainder of the project, provided that the

contractor made the request in enough time to meet the above-stated ratio. If an

Apprenticeship Committee dispatches fewer apprentices than the contractor

requested, the contractor shall be considered in compliance if the contractor

employs those apprentices who are dispatched, provided that, where there is

more than one Apprenticeship Committee able and willing to unconditionally

dispatch apprentices, a contractor has requested dispatch from all committees,

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providing training in the applicable craft or trade whose geographic area of

operation include the site of the public work. Nothing in this section shall affect

the right of a Contractor who participates in and employs registered apprentices

from programs approved under Labor Code Section 3075 outside the geographic

area of the public work from employing said apprentice(s) on the site of the public work in order to meet the ratio requirement of Labor Code Section 1777.5.

(b) Apprentices employed on public works shall be paid the applicable apprentice prevailing per diem wage rate, available from DAS, and derived from the Director's survey of wages paid on public works in the geographic area of the craft or trade. DAS shall refer complaints alleging any contractor's failure to pay the proper apprentice prevailing wage rate on a public works project to the Division of Labor Standards Enforcement for investigation and appropriate action.

(c) Apprentices employed on public works can only be assigned to perform work of the craft or trade to which the apprentice is registered. Work of the craft or trade consists of job duties normally assigned to journeymen in the apprenticeable occupation. Where an employer employs apprentices under the rules and regulations of the California Apprenticeship Council, as set forth in Labor Code Section 1777.5(c)(2), apprentices employed on public works must at all times work with or under the direct supervision of journeyman/men. The on-the-job training shall be in accordance with the apprenticeship standards and apprenticeship agreement under which the apprentice is training, provided that a contractor shall not be subject to any financial or administrative obligations to a trust fund or employee benefit plan unless the contractor has so agreed.

(d) Contractors who have bid or have been awarded public works projects prior

to January 1, ~~2009~~, and contractors who have bid prior to January 1, ~~2009~~ and

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have been awarded public works projects after January 1, ~~2009~~, shall comply with

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the provisions of Labor Code Section 1777.5 in effect prior to January 1, ~~2009~~, as

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implemented by California Apprenticeship Council regulations in effect as of

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February 16, 2002 prior to January 1, ~~2009~~.

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Note: Authority cited: Section 1777.7, Labor Code. Reference: Section
1777.5, Labor Code.

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